

REMARKS

This Amendment After Final Rejection is submitted in response to the outstanding final Office Action, dated May 23, 2005. The present application was filed on August 9, 2001 with claims 1 through 20. Claims 1, 5-7, 9, 13-15, 17, and 19 were cancelled in the Amendment and Response to Office Action dated August 26, 2004. Claims 2-4, 8, 10-12, 16, 18, and 20 are presently pending in the above-identified patent application. Claim 4 is proposed to be amended and claims 8, 16, and 20 are proposed to be cancelled, without prejudice, herein.

This amendment is submitted pursuant to 37 CFR §1.116 and should be entered. The Amendment places all of the pending claims following entry of the amendments, i.e., claims 2-4, 10-12, and 18, in a form that is believed allowable, and, in any event, in a better form for appeal. It is believed that examination of the pending claims as amended, which are consistent with the previous record herein, will not place any substantial burden on the Examiner. As discussed more fully below, the amendment to claim 4 is intended to provide compliance with section 101.

In the Office Action, the Examiner noted that nonelected claims must be cancelled. The Examiner rejected claims 2-4 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner rejected claims 2-4, 10-12, and 18 under 35 U.S.C. §102(b) as being anticipated by Magee et al. ("Composing Distributed Object in CORBA," 1997 IEEE).

Election of Claims

The Examiner noted that nonelected claims must be cancelled. Claims 8, 16, and 20 are proposed to be cancelled, without prejudice.

Section 101 Rejections

Claims 2-4 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter and that the cited claims are manipulating an abstract idea.

The Supreme Court has stated that the "[t]ransformation and reduction of an article 'to a different state or thing' is the clue to patentability of a process claim." *Gottshalk v. Benson*, 409 U.S. 63, 70, 175 U.S.P.Q. (BNA) 676 (1972). In other words, claims that require some kind of transformation of subject matter, which has been held to

include intangible subject matter, such as data or signals, that are representative of or constitute physical activity or objects have been held to comply with Section 101. *See, for example, In re Warmerdam*, 31 U.S.P.Q.2d (BNA) 1754, 1759 n.5 (Fed. Cir. 1994) or *In re Schrader*, 22 F.3d 290, 295, 30 U.S.P.Q.2d (BNA) 1455, 1459 n.12 (Fed. Cir. 1994).

Thus, as expressly set forth in each of the independent claims, the claimed methods or system describe a method for programming a software component that instantiates a software component and attaches an input port to a class utilizing an attach command, thereby transforming the instantiated software component. This instantiation of a software component and transformation of the software component (and input port) provides a useful, concrete and tangible result.

In addition, claim 4 has been amended to require utilizing an attach command *executed by a processor*. Applicant believes that this amendment addresses the Examiner's concerns and submit that each of the claims following entry of the amendments, i.e., claims 2-4, 10-12, and 18, are in full compliance with 35 U.S.C. §101. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §101 be withdrawn.

#### Independent Claims 4, 12 and 18

Independent claims 4, 12, and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Magee et al. Regarding claim 4, the Examiner asserts that Magee discloses utilizing an attach command to (Magee discloses tools to develop structure systems of components shown in FIGS. 1-4, where the structure shown in these figures includes input ports of class), attach at least one of said at least one input port to a class (FIGS. 1-4 show input ports are attached in components).

Applicant notes that Magee does not utilize an explicit command to attach an input port to a class, and thus the implementation cannot change at run time. The present invention utilizes an explicit attach command. For example, the present disclosure teaches that "a component *must attach each of its input ports* to a concrete class within it." (Page 3, lines 3-4; emphasis added.) The present invention teaches that "each input port 112 in a component 110 should be attached (*using the attach command*)

to some concrete class with in the component 110.” (Page 12, lines 5-6; emphasis added.) Finally, the present disclosure teaches that

the following code segment defines a component 110, referred to as BooleanComp, implementing the template, BooleanTempl, defined above:

```

component BooleanComp implements BooleanTempl {
  attach xin BoolClass ; // attach input port xin to class
  BoolClass ;
  BooleanComp() {...} // constructors.
  class BoolClass implements Bool {
    boolean not(boolean x) { ... } ;
    boolean nand (boolean x, boolean y) {...}
  }
}

```

Thus, the input port xin is “attached” to the class BoolClass.

(Page 6, line 23, to page 7, line 6; emphasis added.)

Independent claims 4, 12, and 18, as amended, require utilizing an attach command (executed by a processor) to attach at least one of said at least one input port to a class.

Thus, Magee does not disclose or suggest utilizing an attach command (executed by a processor) to attach at least one of said at least one input port to a class, as required by independent claims 4, 12, and 18, as amended.

#### Dependent Claims 2-3 and 10-11

Dependent claims 2-3 and 10-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Magee et al.

Claims 2-3 and 10-11 are dependent on claims 4 and 12, respectively, and are therefore patentably distinguished over Magee et al. because of their dependency from amended independent claims 4 and 12 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims following entry of the amendments, i.e., claims 2-4, 10-12, and 18, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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